ORIGINAL

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

JUN 17 2005

LAWRENCE K. BAERMAN CLERK
ALBANY

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

Index No.:
Criminal No.: 04-CR-544 (NDNY)

KUN FUK CHENG, ET AL.
Defendants.

NOTICE OF LIS PENDENS

NOTICE IS HEREBY GIVEN that commencement and pendency of the above-captioned criminal action, brought by the United States by its attorney, Glenn T. Suddaby, United States Attorney, for the Northern District of New York (Thomas A. Capezza, Assistant U.S. Attorney appearing) against the above-named defendants by an Indictment seeking the forfeiture to the United States of real property listed herein pursuant to 18 U.S.C. § 982.

The current record title holder for the real property is:

Rome Realty, Inc./Kun Fuk Cheng

The land and premises to be affected by this suit is commonly known as ***Rome Plaza, 1471 Route 9, Halfmoon, New York,*** and is more fully set forth in Exhibit A, attached hereto and made a part hereof. For further information concerning this action, reference my be made to the records of the Clerk of the Court for the United States District Court for the Northern District of New York.

Dated: 6/17/05

GLENN T. SUDDABY
United States Attorney
Northern District of New York
James T. Foley Courthouse
445 Broadway
Albany, NY 12207
Tele. (518) 431-0247

By: Thomas A. Capezza

Thomas A. Capezza
Assistant U.S. Attorney
Bar Roll No.: 503159

EXHIBIT A

ALL that certain tract, piece or parcel of land, situate in the Town of Halfmoon, County of Saratoga, State of New York, lying along the easterly side of US Route 9, approximately 1/8 of a mile South of the intersection of New York State Route 236 and being further bounded and described as follows:

BEGINNING at the point of intersection of the common division line of lands now or formerly of Peter Medick as conveyed in Book 1006 of Deeds at Page 697 to the South and lands of Carmen J. Romano and Audrey F. Romano as conveyed in Book 1009 of Deeds at Page 134 to the North with the easterly Right of Way line of US Route #9 (Clifton Park - Crescent, Part 2, S.H. #5639) as appropriated in 1959 by Map No. 73, Parcel No. 108 said point marked with a concrete Right of Way monument; and

RUNNING THENCE along said Right of Way line the following two (2) courses:

1) North 17 degrees 40 minutes 14 seconds West, 138.07 feet to an angle point in said Right of Way line and marked with a concrete Right of Way monument;

2) North 15 degrees 10 minutes 10 seconds West, 128.90 feet to a point in the South line of a parcel of land conveyed to Carmen J. Romano and Audrey F. Romano in Book 967 of Deeds at Page 157: and

RUNNING THENCE along said South line the following two (2) courses and distances:

1) North 71 degrees 43 minutes 40 seconds East, 98.05 feet to a point; and

2) South 88 degrees 16 minutes 20 seconds East, 163.54 feet to a point in the West line of lands now or formerly of Donald Wark and Edith Wark as conveyed in Book 849 of Deeds at Page 464;

THENCE along the said West line of Wark, South 12 degrees 03 minutes 20 seconds East, 55.53 feet to a point being the Northwest corner of a parcel of land conveyed to Carmen J. Romano in Book 1087 of Deeds at Page 569 and being the third parcel described therein;

THENCE along the common division line of said lands of Romano as conveyed in Book 1087 of Deeds at Page 569 to the South and said lands of Donald and Edith Wark to the North, North 88 degrees 03 minutes 40 seconds East, 155.63 feet to a point being in the West line of a reputed 50 foot wide parcel of land conveyed to Carmen Romano in Book 1218 of Deeds at Page 778;

THENCE along said West line, South 10 degrees 32 minutes 30 seconds East, 108.51 feet to a point in the North line of lands conveyed to Carmen J. Romano and Audrey F. Romano in Book 1009 of Deeds at Page 134;

THENCE along said North line, South 82 degrees 32 minutes 30 seconds East, 95.36 feet to a point being the Northwest corner of lands now or formerly of Ren Charlebois and Jean Charlebois as conveyed in Book 973 of Deeds at Page 677;

THENCE along the West line of lands of said Charlebois and lands now or formerly of James Leonardo and Sandra Leonardo as conveyed in Book 982 of Deeds at Page 23 South 14 degrees 54 minutes 30 seconds West, 257.20 feet to a point marked with an iron pipe found at the Southwest corner of lands of said Leonardo and being in the northerly line of lands now or formerly of Peter Medick;

THENCE along said North line of Peter Medick North 74 degrees 45 minutes 20 seconds West, 402.62 feet to the point or place of **BEGINNING.**

TOGETHER with an easement for ingress to and egress from the above-described premises over all that certain tract, piece or parcel of land, situate in the Town of Halfmoon, County of Saratoga, State of New York, lying easterly of U.S. Route 9 and southeasterly of the exit ramp for N.Y.S. Route 236 and being further bounded and described as follows:

BEGINNING at the point of intersection of the said easterly line of U.S. Route 9 with the common division of line of Carmen Romano and Audrey Romano, as conveyed in Book 967 of Deeds at Page 157, to the North and lands of Carmen J. Romano and Audrey F. Romano, as conveyed in Book 979 of Deeds at Page 585, to the South; and

RUNNING THENCE along said easterly Right-of-Way line of U.S. Route 9, North 15 degrees 10 minutes 10 seconds West, 20.00 feet to a point;

THENCE through lands of said Carmen Romano and Audrey Romano, as conveyed in Book 967 of Deeds at Page 157, the following four (4) courses and distances:

1) North 76 degrees 26 minutes 30 seconds East, 97.44 feet to a point;

2) North 66 degrees 09 minutes 30 seconds East, 85.00 feet to a point;

3) North 81 degrees 08 minutes 00 seconds East, 33.67 feet to a point;

4) North 85 degrees 40 minutes 50 seconds East, 43.55 feet to a point in the West line of lands now or formerly of Donald and Edith Wark, as conveyed in Book 849 of Deeds at Page 464;

THENCE along said West line, South 12 degrees 03 minutes 10 seconds East, 60.50 feet to the point of intersection of said West line of lands of Wark with the aforesaid common division line;

THENCE along said common division line, the following two (2) courses and distances:

1) North 88 degrees 16 minutes 20 seconds West, 163.54 feet to a point;
2) South 71 degrees 43 minutes 40 seconds West, 98.05 feet to the point or place of **BEGINNING.**

Excepting from the premises hereinabove described an Easement for ingress to and egress from premises now or formerly of Carmen Romano and Audrey Romano (Liber 967 Page 157) over all that certain tract, piece or parcel of land situate in the Town of Halfmoon, County of Saratoga, State of New York, lying along the easterly side of U.S. Route 9, Southeast of the exit ramp to N.Y.S. Route 236 and being further bounded and described as follows:

BEGINNING at the point of Intersection of the easterly right of way line of U.S. Route 9 with the common division line of lands of Carmen J. Romano and Audrey Romano, as conveyed in Book 967 of Deeds at Page 157, to the North and lands of Carmen J. Romano and Audrey F. Romano, as conveyed in Book 979 of Deeds at page 585, to the South; and

RUNNING THENCE along said common division line, North 71 degrees 43 minutes 40 seconds East, 98.05 feet to a point;

THENCE continuing along said common division line, South 88 degrees 16 minutes 20 seconds East, 22.00 feet to a point;

THENCE through lands of said Carmen J. Romano and Audrey F. Romano, as conveyed in Book 979 of Deeds at Page 585, South 35 degrees 05 minutes 20 seconds West, 154.71 feet to a point in the said easterly Right-of-Way line of U.S. Route 9;

THENCE along said easterly Right-of-Way line, North 15 degrees 10 minutes 10 seconds West, 100.00 feet to the point or place of **BEGINNING.**

TO THE SARATOGA COUNTY CLERK:

You are hereby direct to Index the attached Notice of Pendency against:

Rome Realty Inc./Kun Fuk Cheng

GLENN T. SUDDABY
United States Attorney
Northern District of New York

By: ______________________
Thomas A. Capezza
Assistant U.S. Attorney
Bar Roll No.: 503159